

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

**ALIGN TECHNOLOGY, INC.**

**Plaintiff,**

**Case No. 5:22-cv-038**

**V.**

**By: Michael F. Urbanski**  
**Chief United States District Judge**

**SMILES OF VIRGINIA FAMILY  
DENTAL CENTER, PLLC and DR.  
NIELS OESTERVELMB,**

**Defendants.**

## STIPULATED INJUNCTION AND DISMISSAL ORDER

This trademark infringement suit is before the court on a joint request by the parties for the entry of a Stipulated Injunction resulting from the settlement of their dispute. As a term of the settlement of this lawsuit and based on the stipulations of the parties reflected in the proposed Stipulated Injunction, ECF No. 61, the court enters the following Permanent Injunction:

A permanent injunction is hereby entered in favor of Plaintiff Align and against Defendants Smiles of Virginia Family Dental Center, PLLC and Dr. Niels Oestervemb. Defendants and Defendant Smiles of Virginia Family Dental Center PLLC's officers, owners, agents, subsidiaries, and employees (while acting in their capacity as employees of Smiles of Virginia Family Dental Center PLLC or Dr. Oestervemb), and all persons and entities in active concert or participation with them, are hereby permanently enjoined from using the ALIGN Marks and INVISALIGN Marks, or any colorable imitation thereof, or any other mark or

designation confusingly similar to the ALIGN Marks and INVISALIGN Marks, in the provision of dental or orthodontic products and services.

The court shall retain jurisdiction over this matter to enforce the terms of this injunction and the related settlement agreement between the parties.

As the parties have resolved their dispute, this case is **DISMISSED WITH PREJUDICE** and **STRICKEN** from the docket of the court.

It is **SO ORDERED**.

Entered: February 17, 2023

A handwritten signature in blue ink, appearing to read 'M. Urbanski', is positioned to the left of the digital signature block.

Digitally signed by Michael F.  
Urbanski Chief U.S. District  
Judge  
Date: 2023.02.17 18:03:35  
-05'00'

Michael F. Urbanski  
Chief United States District Judge